

OFFICE OF THE FEDERAL DEFENDER

EASTERN DISTRICT OF CALIFORNIA

801 I STREET, 3rd FLOOR

SACRAMENTO, CALIFORNIA 95814

(916) 498-5700 Fax: (916) 498-5710

*Quin Denvir
Federal Defender*

*Daniel J. Broderick
Chief Assistant Defender*

March 27, 2006

Mr. Quin Denvir
Attorney at Law
901 F Street, #200
Sacramento, CA 95814

Re: **Breaux v. Ornoski**
Civ.S-93-570-DFL/DAD

FILED

MAR 27 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

Dear Mr. Denvir:

This will confirm your appointment as counsel by the Dale A. Drozd, U.S. Magistrate Judge, to represent the above-named petitioner. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 30 form, your Order of Appointment and Voucher for services rendered. However, this particular death penalty case has been budgeted for and thus, you must prepare your voucher on-line and submit to our office the hard copy of the voucher with the attached itemized sheets. If you have questions, please contact Sandy Andrews at the Circuit Executive Office at (415) 556-9584.

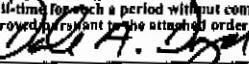
If we may be of any further assistance please feel free to call upon us at any time.

Very truly yours,

CYNTHIA L. COMPTON
CJA Panel Administrator

:clc
Enclosures

cc: Clerk's Office

1. CIR/DIST/DIV CAE		Case 2:93-cv-000570-JAM-DB Document 211 Filed 03/27/06 Page 2 of 4						
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 2:93-000570-001		5. APPEALS DKT./DEF. NUMBER				
7. IN CASE/MATTER OF (Case Name) David A. Breux v. Caldero		8. TYPE PERSON REPRESENTED		9. REPRESENTATION TYPE Capital Habeas Corpus				
10. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense.								
11. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS DENVIR, QUIN A. 901 F Street SUITE 200 SACRAMENTO CA 95814		12. COURT ORDER <input checked="" type="checkbox"/> Appointing Counsel <input type="checkbox"/> Co-Counsel <input type="checkbox"/> Subs For Federal Defender <input type="checkbox"/> Subs For Retained Attorney <input type="checkbox"/> Subs For Panel Attorney <input type="checkbox"/> Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ (A) Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 11, who has been determined to possess the specific qualifications required by law, is appointed to represent this person in this case. (B) The attorney named in Item 11 is appointed to serve as: <input type="checkbox"/> LEAD COUNSEL <input type="checkbox"/> CO-COUNSEL Name of Co-Counsel or Lead Counsel: _____ Appointment Date: _____ (C) If you represented the defendant or petitioner in any prior proceeding related to this matter, attach to your initial claim a listing of those proceedings and describe your role in each (e.g., lead counsel or co-counsel). (D) Due to the projected length of this case, and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, interim payments of compensation and expenses are approved pursuant to the attached order.  Signature of Presiding Judicial Officer or By Order of the Court 02/15/2006 Date of Order Name Pro Tunc Date (E) Repayment or partial repayment ordered from the person represented for this service at time of appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO						
14. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 15 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.								
CAPITAL PROSECUTION a. Pre-Trial e. Appeal b. Trial f. Petition for the U.S. c. Sentencing g. Supreme Court d. Other Post Trial h. Writ of Certiorari			HABEAS CORPUS i. Habeas Petition j. Evidentiary Hearing k. Dispositive Motions l. Appeal			OTHER PROCEEDING m. Petition for the U.S. n. Supreme Court o. Writ of Certiorari p. Stay of Execution q. Appeal of Denial of Stay r. Petition for Writ of Certiorari to the U.S. s. Supreme Court Regarding Denial of Stay t. Other		
15. CATEGORIES (Attach itemization of services with dates)			HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW	
a. In-Court Hearings (Rate per hour = \$ 163)							IN COURT TOTAL (Category a)	
b. Interviews and Conferences with Client							IN COURT TOTAL (Category a)	
c. Witness Interviews							IN COURT TOTAL (Category a)	
d. Consultation with Investigators and Experts							IN COURT TOTAL (Category a)	
e. Obtaining and Reviewing the Court Record							IN COURT TOTAL (Category a)	
f. Obtaining and Reviewing Documents and Evidence							OUT OF COURT TOTAL (Categories b - j)	
g. Consulting with Expert Counsel							OUT OF COURT TOTAL (Categories b - j)	
h. Legal Research and Writing							OUT OF COURT TOTAL (Categories b - j)	
i. Travel							OUT OF COURT TOTAL (Categories b - j)	
j. Other (Specify on additional sheets)							OUT OF COURT TOTAL (Categories b - j)	
Totals: Categories b thru j (Rate per hour = \$ 163)								
16. Travel Expenses (lodging, parking, meals, mileage, etc.)								
17. Other Expenses (other than expert, transcripts, etc.)								
18. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM _____ TO _____			19. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION			20. CASE DISPOSITION		
21. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____			Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO			Supplemental Payment		
Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets.			I swear or affirm the truth or correctness of the above statements.					
Signature of Attorney:			Date:					
22. IN COURT COMP. 23. OUT OF COURT COMP. 24. TRAVEL EXPENSES 25. OTHER EXPENSES						26. TOTAL AMT APPROVED		
27. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER						DATE	27a. JUDGE CODE	

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2 **LODGED**
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4 **FEB 2 2006**
5 **CLERK, U.S. DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **DEPT 100**

8 **ORIGINAL**
9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 **FILED**
13 **FEB 16 2006**
14 **CLERK, U.S. DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 DAVID A. BREAUX,

17 Petitioner,

18 v.

19 S. W. ORNOSKI, Acting Warden of
20 California State Prison at San Quentin,

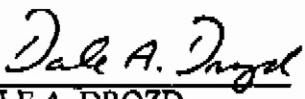
21 Respondent.

22 } No. CIV S-93-0570 DFL DAD DP
23 } **DEATH PENALTY CASE**
24 } **[PROPOSED] ORDER GRANTING**
25 } **EX PARTE REQUEST FOR**
26 } **APPOINTMENT OF COUNSEL**

27 The ex part request of Petitioner David A. Breaux for appointment of counsel is granted.
28 Quin A. Denvir is hereby appointed to represent Petitioner as co-counsel in this matter, pursuant to 18 U.S.C.
29 §3006A and 21 U.S.C. §848.

30 IT IS SO ORDERED.

31 DATED: February 16, 2006

32 
33 **DALE A. DROZD**
34 UNITED STATES MAGISTRATE JUDGE

1 DANIEL J. BRODERICK, Bar No. 89424
2 Acting Federal Defender
3 JOSEPH SCHLESINGER, Bar No. 87692
4 Assistant Federal Defender
5 801 I Street, Third Floor
6 Sacramento, CA 95814
7 (916) 498-6666

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12
13 DAVID A. BREAUX, } No. CIV S-93-0570 DFL DAD DP
14 v. } **DEATH PENALTY CASE**
15 S. W. ORNOSKI, Acting Warden of }
16 California State Prison at San Quentin, } **NOTICE OF FILING**
17 Respondent. } **SEALED DOCUMENT**
18 } (Local Rule 39-141(c))
19 }
20 }
21 }

22 Petitioner David A. Breaux, by and through appointed counsel, is this day submitting in paper format
23 for filing under seal, a proposed order regarding his ex parte application for appointment of counsel. Filing
24 under seal is authorized by 18 U.S.C. §3006A and 21 U.S.C. §848.

25 DATED: February 2, 2006

26 Respectfully submitted,

27 DANIEL J. BRODERICK
28 Acting Federal Defender

/s/Joseph Schlesinger
JOSEPH SCHLESINGER
Assistant Federal Defender

Attorney for David A. Breaux